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10/589,037	11/14/2006	Fraser James Buchanan	36290-0425-00-US (229895)	4052
23973 7590 03/23/2011 DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE, SUITE 2000 PHILADELPHIA, PA 19103-6996			EXAMINER SCOTT, ANGELA C	
			ART UNIT 1767	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Response to Arguments

Applicant's arguments filed March 11, 2011 have been fully considered but they are not persuasive.

Applicant argues that the teachings of Shalaby (US 2004/0133237) would not produce a molecular weight gradient on a substrate where the average molecular weight at the core is greater than the average molecular weight at the entire outer surface. Applicants argue that in order to produce such a gradient, the surface of the substrate, suture in this case, would need to be moved relative to the radiation source and Shalaby does not disclose this process. These arguments are unpersuasive for the following reasons.

First, while true that there is no explicit disclosure in Shalaby of rotating or moving the suture in relation to the electron beam source, there is also no disclosure that this does not happen. From reading Shalaby, it teaches that the sutures are sterilized (§6), therefore, the entire outer surface must receive some radiation. Shalaby additionally teaches irradiating the suture in order to have controlled mass loss of the suture and where the controlled mass loss varies inversely with the radiation dose (§5, 6). Therefore, one of ordinary skill in the art would want this controlled mass loss to occur to the same degree over the entire outer surface of the suture in order for it to function properly as an absorbable suture. In other words, one would ensure that the same amount of radiation is received over the entire outer surface of the suture. An absorbable suture cannot function properly if it is not absorbed uniformly by the body.

As for the schematic employed in Figure 1, this is only what applicant thinks happens in Shalaby, not an actual rendition of the process used in Shalaby. There is no evidence in Shalaby that the radiation forms a molecular weight gradient from a proximate surface to a distal surface as applicant has depicted in Figures 1 and 2. Furthermore, applicant has presented no actual evidence, i.e., not simply attorney argument, that the article of Shalaby is different from the article claimed. Lastly, even assuming arguendo that Shalaby does not irradiate all of the outer surfaces of the suture evenly (all outer surfaces must receive some radiation as the sutures are sterilized after formation), the average molecular weight at the core of the suture would still be greater than the average molecular weight where the average is calculated over the entire outer surface of the suture even though some regions of the surface may receive more radiation than others.

Art Unit: 1767

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela C. Scott whose telephone number is (571) 270-3303. The examiner can normally be reached on Monday through Friday, 6:00 am to 11:00 am and 3:00 pm to 6:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
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/A. C. S./
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March 15, 2011